

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION

UNITED STATES OF AMERICA  
upon the relation and  
for the use of the  
TENNESSEE VALLEY AUTHORITY  
Plaintiff

v.

Civil Action No. 2:05CV204

AN EASEMENT AND RIGHT-OF-WAY  
OVER 4.27 ACRES OF LAND, MORE  
OR LESS, IN CHEROKEE COUNTY,  
NORTH CAROLINA

LOK KING KONG, TRUSTEE, ET AL.  
Defendants

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**ORDER ALLOWING WITHDRAWAL OF FUNDS**

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This action came on to be considered, and it appears to the Court that the parties have agreed to the withdrawal of the \$243,850 deposited by Plaintiff upon the filing of the Declaration of Taking in this action as hereinafter provided pursuant to 40 U.S.C. § 3114-3118 (2000 & Supp. II 2002) and Federal Rule of Civil Procedure 71A(j).

Accordingly, it is Ordered that:

1. The Clerk of this Court is authorized and directed to draw two checks on the funds on deposit in the registry of this Court in the total amount of \$243,850 (the sum deposited by Plaintiff in this action) as follows:

- (a) A check in the principal amount of \$121,925 payable to “Lok King Kong as trustee,” and

(b) A check in the principal amount of \$121,925 payable to “Ai Choo Kong as trustee,” and

to mail both checks to Fred H. Jones, Esq, Jones, Key, Melvin & Patton, P.A., 61 East Main Street, Franklon, North Carolina 28734.

2. Said payment shall be credited against the final award in this action without prejudice to the right of any party herein to claim a greater or lesser amount as just compensation.

3. The Defendants shall be jointly and severally liable for the reimbursement of any excess of said disbursements over the final award herein. Said reimbursement, if applicable, shall be made by mailing to the Tennessee Valley Authority’s General Counsel, within 10 days from the date judgment is entered in this action, a check or checks payable to the Tennessee Valley Authority in the total amount of said difference.

We hereby approve and consent to the entry of this Order:

s/Thomas A. Robins  
Thomas A. Robins  
Attorney for Plaintiff  
Senior Attorney  
Tennessee Valley Authority  
400 West Summit Hill Drive  
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s/Fred H. Jones  
Fred H. Jones NC Bar Number 17479  
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003760434

Signed: March 9, 2006

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

